

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

International Application No. : PCT/EP03/07068
 International Filing Date : 02 July 2003 (02.07.2003)
 U.S. Serial No. : 10/520,145
 Deposit Date U.S. Nat'l Phase : 03 January 2005 (03.01.2005)
 Priority Date(s) Claimed : 02 July 2002 (02.07.2002)
 Applicant(s) : Frank MAYER, et al.
 Title: CELL DIGESTION OF BACTERIA

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
 UNDER 35 U.S.C. § 371

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 11213-1450

Sir:

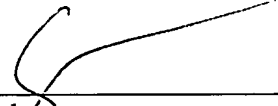
In response to the Notification of Missing Requirements dated September 6, 2005:

- ☒ Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of **\$65.00**
- ☒ Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. 35737).
- ☒ Attached is a copy of the Notification of Missing Requirements.
- ☐ Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of .
- ☒ Applicant(s) are entitled to small entity status.
- ☐ Attached is a verified English translation of the PCT publication along with the fee of \$130.00.
- ☒ Attached is a Supplemental Preliminary Amendment.
- ☐ Applicant(s) include the extra claims fee of \$ for claims in excess of 20 per additional claim, for independent claims in excess of 3 per additional claim, and/or for multiple dependent claims.
- ☒ Attached is the Sequence Disclosure (paper/disk versions) with the appropriate statement as required

- ☐ Attached is an Application Data Sheet (ADS).
- ☐ Attached are the substitute drawings as required.

Attached is a check in the amount of \$65.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402.

Respectfully submitted,



Anthony J. Zelano
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Attorney/Agent for Applicants

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Attorney Docket No.: DREISS-0002

Date: November 7, 2005

SEP - 9 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/520,145	FIRST NAMED APPLICANT Frank Mayer	ATTY. DOCKET NO. DREISS-2
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23599
 MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
 2200 CLARENDON BLVD.
 SUITE 1400
 ARLINGTON, VA 22201

CASE _____
 ACTION RESP TO NMR
 DUE DATE 11.6.05
SK

INTERNATIONAL APPLICATION NO. PCT/EP03/07068	
IA FILING DATE 07/02/2003	PRIORITY DATE 07/02/2002

CONFIRMATION NO. 7018
 371 FORMALITIES LETTER
 OC000000016856807
 OC000000016856807

Date Mailed: 09/06/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/03/2005
- English Translation of the IA filed on 01/03/2005
- Copy of the International Search Report filed on 01/03/2005
- Copy of IPE Report filed on 01/03/2005
- Preliminary Amendments filed on 01/03/2005
- Information Disclosure Statements filed on 01/03/2005
- Biochemical Sequence Diskette filed on 01/03/2005
- U.S. Basic National Fees filed on 01/03/2005
- Priority Documents filed on 01/03/2005
- Specification filed on 01/03/2005
- Claims filed on 01/03/2005
- Abstracts filed on 01/03/2005
- Drawings filed on 01/03/2005

CASE _____
 ACTION _____
 DUE DATE _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

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must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,145	PCT/EP03/07068	DREISS-2

FORM PCT/DO/EO/905 (371 Formalities Notice)